

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILTON BARBECHO *et al.*,

Petitioners,

- against -

THOMAS DECKER, *et al.*,

Respondents.

No. 20 Civ. 2821 (AJN)

ORDER

On May 15, 2020, the Court granted an application for a temporary restraining order with respect to Felipe Diaz Presbot, Oliver de Jesus Garcia Alejo, Fredy Orlando Olaya Lugo and Jose Molina (“Petitioners”), ECF No. 57, and directed the parties to propose reasonable conditions of release for Petitioners. Having reviewed the parties’ proposed conditions, it is ORDERED that Petitioners shall be released on the following conditions:

1. Petitioners shall comply with all national, state, local and CDC-issued guidelines and orders regarding COVID-19. Specifically, Petitioners shall comply with the New York and New Jersey Executive Orders regarding COVID-19, as long as they are in effect, in that they must remain in their home with lawful allowances for activities such as obtaining food and other necessities, obtaining medical and mental health treatment, and working.¹
2. Additionally, Petitioners shall be subject to home confinement and may not leave the state of their residence without prior permission from ICE; Petitioners may leave their homes for activities such as obtaining food and other necessities, obtaining medical and mental health treatment, and, to the extent Petitioners have been granted authorization to lawfully work in the United States, employment, if their employment is considered essential under state executive orders regarding COVID-19, as long as the state orders are in effect.
3. Petitioners shall be placed on standard release conditions, such as directing Petitioners not to commit any crimes and to report to all court hearings.
4. Petitioners shall be subject to telephonic monitoring by ICE.
5. Petitioners shall be subject to electronic location monitoring by ICE via ankle bracelet.

¹ Petitioner Olaya Lugo has indicated that he may request permission from ICE to relocate from New Jersey, where he currently resides, to a different residence within New York State. If such a move is approved by ICE, Petitioner Olaya Lugo shall comply with all state and local orders regarding COVID-19 that are in place for his new residence.

6. Petitioners shall not commit a federal, state, or local crime.
7. Petitioners shall appear for any court hearings at which their presence is required.
8. Respondents may not re-detain Petitioners once any state or locally issued mitigation orders are lifted unless they first seek and obtain permission from the Court to do so.
9. Either party may seek modifications of the conditions of release and supervision, including conditions that apply to re-detention, in light of material changes.

SO ORDERED.

Dated: May 19, 2020
New York, New York



HONORABLE ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE